

r
SLP(C)No. 17234 OF 1999

ITEM No.25

Court No. 6

SECTION IVA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.17234/1999

(From the judgement and order dated 18/11/1998 in SA 318/81
of The HIGH COURT OF M.P AT INDORE)

HARINARAYAN

Petitioner (s)

VERSUS

KALURAM (DEAD) BY LRS.

Respondent (s)

(With Appln(s). for c/delay in filing SLPdeletion of the name of respondent
Nos. 8-9 and permission to submit additional document(s))

Date : 16/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE N. SANTOSH HEGDE

For Petitioner (s) Mr. Niraj Sharma,Adv.

For Respondent (s) Mr. B.S. Banthia,Adv.
Nos. 1-3 Mr. T.S. Choudhary,Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J.
.SP2

Delay condoned.
I.A.No.3 is allowed.
Leave granted.
The appeal is allowed. There shall be no order
as to costs.

.SP1

(Neelam Kawatra)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1298 OF 2001@@
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Harinarayan

Appellant (s)

versus

Kaluram (Dead) by L.Rs.

Respondent (s)

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Delay condoned.
I.A.No.3 is allowed.
Leave granted.

The plaintiff-appellant filed a suit for declaration before the trial court. The said suit was decreed and the said decree was affirmed by the first appellate Court. However, the High Court in second appeal, exercising the power under Section 100 of the Civil Procedure Code, set aside the judgment of the first appellate Court. It is against the said judgment the present appeal has been filed.

We have heard learned counsel for the parties and looked into the record. We find that the appellant herein was not heard before the High Court. He has shown a sufficient cause before us. We, therefore, set aside the judgment under challenge and send the case back to the High Court for deciding the second appeal after giving opportunity to the appellant.

The appeal is allowed. There shall be no order as to costs.

.SP1

.....J
(V.N. Khare)

New Delhi,
February 16, 2001.

.....J
(N. Santosh Hegde)